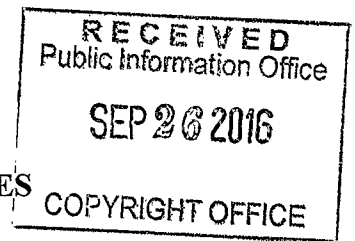


Before the
UNITED STATES COPYRIGHT ROYALTY JUDGES
Library of Congress
Washington, D.C.



Received

SEP 26 2016

Copyright Royalty Board

In the Matter of:

Determination of Royalty Rates and Terms
for Transmission of Sound Recordings by
Satellite Radio and "Preexisting"
Subscription Services (SDARS III)

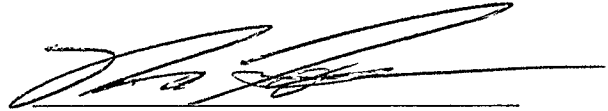
Docket No. 16-CRB-0001-SR/PSSR
(2018-2022)

DECLARATION OF PAUL M. FAKLER

1. I am a partner at Arent Fox LLP, counsel for Music Choice in the above-captioned proceeding. I respectfully submit this Declaration pursuant to 28 U.S.C. § 1746.
2. Using Pandora's search function, I personally determined that at least one of George Johnson's ("GEO") recordings—"Santa's Wearin' Blue This Year"—is available on Pandora's webcasting service.
3. Using iHeartRadio's search function, I personally determined that at least the following of GEO's recordings are available on iHeartRadio's webcasting service:
 - "Salt Shaker"
 - "Can't Outrun the Radio"
 - "James Dean Woulda Left You a Longtime Ago"
 - "The Reign"

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that, to the best of my knowledge, information, and belief, the foregoing is true and correct.

Dated: September 23, 2016

A handwritten signature in black ink, appearing to read 'Paul M. Fakler', written over a horizontal line.

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